



WEB COPY

W.P.No.15792



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15792 of 2021

F.Roselin

... Petitioner

Vs.

1. The Dean,
Government Stanley Hospital,
Chennai – 600 001.

2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Poonamallee High Road,
Chennai – 600 003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to rectify the name of the wife of the deceased Victor as Esther Rani instead of Sivagami in the death Memorandum and consequently direct the 2nd respondent to issue the death certificate to the petitioner afresh entering the name of the wife of the deceased Victor as Esther Rani and the parents name as Martin and Amala Mary.

For Petitioner

: Dr.S.Swaminathan

For R1

: Mr.T.Arunkumar,

Additional Government Pleader

ORDER

The Writ Petition has been filed for directing the 1st respondent to rectify the name of the wife of the deceased Victor as Esther Rani instead of Sivagami in



the death Memorandum and consequently direct the 2nd respondent to issue the death certificate to the petitioner afresh entering the name of the wife of the deceased Victor as Esther Rani and the parents name as Martin and Amala Mary.

2. The learned counsel for the petitioner, Mr.S.Swaminathan would contend that the error occurred in entering the name of the wife of the patient Mr.Victor at Stanley Hospital. The Doctor, without verification entered the name of one Sivagami as the wife of Mr.Victor. However, the fact remains that the wife of Mr.Victor is Esther Rani. Since the Doctors have issued a certificate, the name of Sivagami has been entered as the wife of Mr.Victor in the Death Memorandum issued. In this regard, the petitioner submitted an application to correct the error and to enter the name of Smt.Esther Rani as the wife of Mr.Victor. Since no action has been taken, the present Writ Petition came to be instituted.

3. The matrimonial relationship between Mr.Victor and Smt.Esther Rani or status of Smt.Sivagami cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Such matrimonial status of the parties are to be adjudicated in the manner contemplated. The genuinity of the matrimonial relationship requires elaborate adjudication with reference to the documents and evidences available on record. If at all, there is a mistake, the petitioner has to



establish the same by approaching the competent authorities under the provisions of the Registration of Births and Deaths Act for correction of any mistake. Thus, the petitioner is at liberty to approach the competent authorities under the provisions of the Registration of Births and Deaths Act for the purpose of carrying out necessary corrections, if it is a mistake. In the event of any doubt regarding the status of Smt.Sivagami or Smt.Esther Rani, the petitioner is bound to approach the competent Civil Court of law.

4. With these observations, the Writ Petition stands dismissed. No costs.

07.02.2024

skr

Index : Yes

Speaking order

To

1. The Dean,
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S.M.SUBRAMANIAM, J.

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